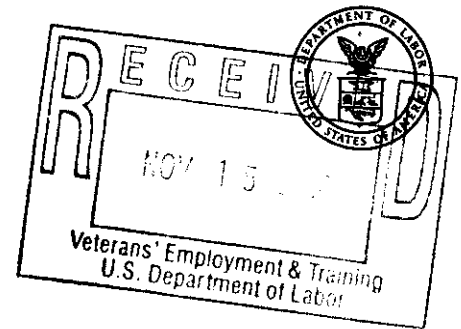


U.S. Department of Labor

Office of the Assistant Secretary for
Veterans' Employment and Training
Washington, D.C. 20210



November 8, 2000

DIRECTOR'S MEMORANDUM NO. 1-01, Change 1

MEMORANDUM FOR: REGIONAL ADMINISTRATORS AND DIRECTORS FOR
VETERANS' EMPLOYMENT AND TRAINING

FROM: *Stanley A. Seidel*
STANLEY A. SEIDEL
Director, Operations and Programs

SUBJECT: USERRA Operations Manual Revision: Closed Case Review
Responsibility, Case Referrals, Referral Report, and Reassignment of
Case Ownership to the Regional Office (CHANGE)

I. **Purpose:** To correct DM 1-01, dated October 4, 2000.

II. **Background:** There was a procedural error in DM 1-01 concerning disposal of case files. The error was pointed out by a member of VETS' field staff after the DM was issued. The incorrect guidance provided was based on records disposal procedures that were superseded by the Department of Labor's Privacy Act notice in the September 23, 1993 Federal Register. A copy of the pertinent section is attached.

III. **Action:** Change item #3 under "**Closed Case Review Responsibility**" to read as follows:

3. The procedure for retention and disposal of USERRA case files is the following: cut off and remove from active files in fiscal year when case is closed except in cases where a claimant has requested referral to the Department of Justice or the Office of Special Counsel. In cases where referrals are requested, cutoff and remove from active files in fiscal year when litigation is complete, representation is declined or claimant withdraws claim. Maintain five (5) years after cutoff and then destroy.

IV. **Effective Date:** Immediately

V. **Inquiries:** Direct questions on the basic Memorandum to Bo Wroble (404) 562-2368. Direct questions on records retention and disposal to Bob Simmons at (202) 693-4732.

Attachment - Federal Register Notice (excerpt) dated September 23, 1993

federal register

**Thursday
September 23, 1993**

Part II

Department of Labor

Office of Secretary

**Privacy Act of 1974; Publication of
Notices of Systems of Records and
Proposed Routine Uses**

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

The records are maintained in the form of a spiral-bound directory.

RETRIEVABILITY:

Record are retrieved by the name of the senior management employee.

SAFEGUARDS:

These records are kept in office suites which are locked after working hours.

RETENTION AND DISPOSAL:

The directory is updated every two years and the old directory is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administration, Management & Litigation Support, Room N-2414, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

NOTIFICATION PROCEDURES:

Inquiries should be mailed or presented to the system manager noted at the address listed above.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the system manager at the address listed above. Individuals must furnish the following information for their records to be located and identified:

- a. Name.
- b. Approximate date for investigation.
- c. Individuals requesting access must also comply with the Privacy Act regulations regarding verification of identity to records at 29 CFR 70a.4.

CONTESTING RECORD PROCEDURES:

A petition for amendments shall be addressed to the System Manager and must meet the requirements of 29 CFR 70a.7.

RECORD SOURCE CATEGORIES:

Agency personnel files, and information submitted by the employee.

SYSTEM EXEMPTED FROM CERTAIN PROVISION OF THE ACT:

None.

DOL/SOL-17**SYSTEM NAME:**

Solicitor's Office Ergonomic Furniture File.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Solicitor, Office of Administration, Management &

Litigation Support (OAMLS), Frances Perkins Department of Labor Building, Room N-2414, 200 Constitution Avenue, NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees from the Office of the Solicitor both those from the National and the Regional Offices of the Solicitor.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains detailed records pertaining to the chairs, desks, and other furniture, and equipment assigned to each employee from the Office of the Solicitor, both in the National and Regional Offices of the Solicitor. The main record consists of an ergonomic checklist.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The information is used for statistical data and to prepare purchase orders for furniture, equipment and accessories.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

The records are maintained in file folders and in computers.

RETRIEVABILITY:

Records are retrieved by the name of the employee.

SAFEGUARDS:

These records are kept in office suites which are locked after working hours.

RETENTION AND DISPOSAL:

The system is updated at least annually and earlier records are discarded.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administration, Management & Litigation Support, Room N-2414, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

NOTIFICATION PROCEDURES:

Inquiries should be mailed or presented to the system manager noted at the address listed above.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the system manager at the

address listed above. Individuals must furnish the following information for their records to be located and identified:

- a. Name.
- b. Approximate date for investigation.
- c. Individuals requesting access must also comply with the Privacy Act regulations regarding verification of identity to records at 29 CFR 70a.4.

CONTESTING RECORD PROCEDURES:

A petition for amendments shall be addressed to the System Manager and must meet the requirements of 29 CFR 70a.7.

RECORD SOURCE CATEGORIES:

Agency personnel files, and information submitted by the employee.

SYSTEM EXEMPTED FROM CERTAIN PROVISION OF THE ACT:

None.

DOL/VETS-1**SYSTEM NAME:**

Veterans' Reemployment Complaint File—VETS-1.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Veterans' Reemployment Rights (VCR) Area Offices, Veterans' Employment and Training Service (VETS) Regional Offices, VETS National Office, Regional Solicitors' Offices, National Solicitor's Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Veterans, enlistees, examinees, reservists or members of the National Guard of the U.S. Armed Forces on active or reserve service or training duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigatory files which pertain to Veterans' Reemployment Complaints. These records contain investigative information regarding rights of veterans, reservists, and members of the national guard to return to pre-military civilian employment; reports of interviews with individuals; and other information relevant to a determination of veteran's reemployment rights.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

38 U.S.C., 2021 et seq.

PURPOSE:

Records are maintained for enforcement of federal laws pertaining to rights of veterans, reservists and members of the national guard upon their return to pre-military civilian

employment following periods of active and inactive military duty and related to non-discrimination based on such service or periods of duty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those routine uses in the General Prefatory Statement to this document.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data processing storage and manual records.

RETRIEVABILITY:

By name of complainant or name of employer.

SAFEGUARDS:

Secured room, or locked cabinets, and passwords for ADP system.

RETENTION AND DISPOSAL:

Records will be maintained by the VETS for 5 years at which time they will be destroyed in accordance with National Archives and Record Service retention retirement and disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:

United States Department of Labor, Veterans' Employment and Training Service, Room 1315, 200 Constitution Avenue, NW., Washington, DC 20210, and Regional Offices.

NOTIFICATION PROCEDURES:

See System Managers and Address.

CONTESTING RECORD PROCEDURES:

See System Managers and Address.

RECORD SOURCE CATEGORIES:

Veterans, Reserve and National Guard members, employees, employers, Departments of Defense or Veterans Affairs, physicians, fellow employees, union officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the

individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/VETS-2

SYSTEM NAME:

Veterans' Preference Complaint File—VETS-2.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

State Directors for Veterans' Employment and Training Offices, Veterans' Employment and Training Service (VETS) Regional Offices, VETS National Office, Regional and area Offices of the U.S. Office of Personnel Management, National Office of the U.S. Office of Personnel Management.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Veterans of the U.S. Armed Forces who believe that they have been denied veterans preference or other special considerations provided by law(s).

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigatory files for enforcement of federal laws pertaining to veterans' preference and other special consideration related to employment with Federal agencies; reports of interviews with individuals; personnel records; service records; another information relevant to a determination of veterans' preference.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

38 U.S.C., 2003(c)(13) and (14).

PURPOSE:

Records are maintained for enforcement of federal laws pertaining to veterans' preference and other special consideration related to employment with Federal agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information that is relevant and necessary may be disclosed to the federal labor unions if queries arise with regard to the veteran's preference versus the collective bargaining agreement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data processing storage and manual records.

RETRIEVABILITY:

By name of complainant or name of Federal agency.

SAFEGUARDS:

Secured room, or locked cabinets, and passwords for ADP system.

RETENTION AND DISPOSAL:

Records will be maintained by the VETS for 5 years at which time they will be destroyed in accordance with National Archives and Record Administration retention retirement and disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:

United States Department of Labor, Veterans' Employment and Training Service, Room S-1315, 200 Constitution Avenue, NW, Washington, DC 20210, and Regional Offices.

NOTIFICATION PROCEDURES:

See System Managers and Address.

RECORD ACCESS PROCEDURES:

See System Managers and Address.

CONTESTING RECORD PROCEDURES:

See System Managers and Address.

RECORD SOURCE CATEGORIES:

Veterans, federal employment applicants or employing federal agencies, Department of Defense, Department of Veterans Affairs, Office of Personnel Management, fellow employees, union officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/VETS-3

SYSTEM NAME:

Veterans' Transition Assistance Program (TAP) Tracking System-VETS-3.

SECURITY LOCATION:

Veterans' Employment and Training Service (VETS) State Directors' Offices, VET Regional Offices, VETS National Office, National and Regional Solicitors' Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Servicemembers, and their spouses, for 180 days after separation of the servicemember from the U.S. Armed Forces.

CATEGORIES OF RECORDS IN THE SYSTEM:

Registration data on participants in the TAP workshops including the name, address, social security number, and duty station.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

10 U.S.C. 1144.

PURPOSE:

Records are maintained to monitor achievement levels in TAP workshops, develop demographic data, and research programs effectiveness.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Social security numbers are disclosed to the Defense manpower Data Center at the Department of Defense in order to ascertain the duty status of veterans.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Data processing storage and manual records.

RETRIEVABILITY:

Attendance numbers by name, state, base, or VETS region.

SAFEGUARDS:

Secured room.

RETENTION AND DISPOSAL:

Records may be maintained by the VETS for 5 years in accordance with NARA retention retirement and disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:

United States Department of Labor, Veterans' Employment and Training Service, Room S-1315, 200 Constitution Avenue, NW, Washington, DC 20210, and Regional Offices.

NOTIFICATION PROCEDURES:

Inquires should be mailed or presented to the system manager noted at the address listed above.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the systems manager at the

address listed above. Individuals must furnish the following information for their records to be located and identified:

- a. Name.
- b. Approximate date of separation.
- c. Individuals requesting access must also comply with Privacy Act regulations regarding verification of identity of records at 29 CFR 70a.4.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 29 CFR 70a.7.

RECORD SOURCE CATEGORIES:

Participants in TAP workshops.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1-Responsible Officials**National Office**

The titles of the responsible officials of the various independent agencies in the Department of Labor are listed below. This list is provided for information only, to assist requesters in locating the office most likely to have responsive records. The officials may be changed by appropriate designation. Unless otherwise specified, the mailing addresses of the officials shall be:

U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.
 Secretary of Labor, ATTENTION: Assistant Secretary for Administration and Management (OASAM)
 Deputy Solicitor, Office of the Solicitor
 Chief Administrative Law Judge, Office of the Administrative Law Judges (OALJs)
 Assistant Secretary for Administration and Management (OASAM)
 Deputy Assistant Secretary for Administration and Management (OASAM)
 Director, National Capital Service Center (NCSC)
 Deputy Director, National Capital Service Center (NCSC)
 Director, Office of Personnel Management Services (NCSC)
 Director, Office of Procurement Services (NCSC)
 Director, Directorate of Personnel Management (OASAM)
 Deputy Director, Directorate of Personnel Management (OASAM)
 Comptroller, Office of the Comptroller (OASAM)
 Deputy Comptroller, Office of the Comptroller (OASAM)
 Director, Office of Budget (Comptroller-OASAM)
 Director, Office of Accounting (Comptroller-OASAM)
 Director, Office of Financial Policy and Systems (Comptroller-OASAM)
 Director, Directorate of Administrative and Procurement Programs (OASAM)

Director, Office of Facilities Management (OASAM)
 Chief, Division of Security and Emergency Preparedness (OASAM)
 Director, Office of Acquisition Integrity (OASAM)
 Director, Office of Safety and Health (OASAM)
 Director, Directorate of Civil Rights (OASAM)
 Director, Directorate of Information Resources Management (DIRM-OASAM)
 Director, Office of IRM Policy (DIRM-OASAM)
 Director, DOL Academy
 Director, Office of Small Business and Minority Affairs
 Comptroller, Office of the Comptroller (OASAM)
 Director, Office of Safety and Health (OASAM)
 Director, Directorate of Civil Rights (OASAM)
 Director, Office of Employee and Labor-Management Relations (OASAM)
 Director, Office of Employment and Evaluation (OASAM)
 Chief, Division of Security and Emergency Preparedness (OASAM)
 Director, Office of Acquisition Integrity (OASAM)
 Chairperson, Employees' Compensation Appeals Board
 Deputy Assistant Secretary for Policy
 Director, Office of Information and Public Affairs
 Director, Office of Administrative Appeals
 Assistant Inspector General, Office of Resource Management and Legislative Assessment, Office of the Inspector General (OIG)
 Director, Office of Management, Administration and Planning, Bureau of International Labor Affairs (ILAB)
 Assistant Secretary for Employment Standards, Employment Standards Administration (ESA)
 Assistant Secretary for the Office of the American Workplace (OAW)
 Commissioner, Bureau of Labor Statistics
 Assistant Secretary for Employment Standards, Employment Standards Administration (ESA)
 Director, Office of Workers' Compensation Programs (OWCP)
 Assistant to the Director, OWCP, ESA
 Director for Federal Employees' Compensation, OWCP, ESA
 Director for Longshore and Harbor Workers' Compensation, OWCP, ESA
 Director for Coal Mine Workers' Compensation, OWCP, ESA
 Administrator, Wage and Hour Division, ESA
 Deputy Administrator, Wage and Hour Division, ESA
 Assistant Administrator, Office of Program Operations, Wage and Hour Division, ESA
 Assistant Administrator, Office of Policy, Planning and Review, Wage and Hour Division, ESA
 Deputy Assistant Administrator, Wage and Hour Division, ESA
 Director, Office of Federal Contract Compliance Programs (OFCCP), ESA
 Director, Division of Policy, Planning and Program Development, OFCCP, ESA